

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 06 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

DONALD BEARDSLEE,

Petitioner - Appellant,

v.

JILL BROWN, Warden of the California
State Prison at San Quentin,

Respondent - Appellee.

No. 01-99007

D.C. No. CV-92-03990-SBA

ORDER

Before: TASHIMA, THOMAS, and PAEZ, Circuit Judges

The panel has voted to deny the petition for rehearing and to deny the petition for rehearing en banc as to the supplemental opinion issued by the panel on December 29, 2004.

The full court has been advised of the petition for rehearing en banc. No judge of the court has requested a vote on it within the time set for making such a request.

The petition for rehearing and the petition for rehearing en banc are
DENIED.